

28737. Misbranding of Brown's Nosopen. U. S. v. 17 Packages of Brown's Nosopen. Default decree of condemnation and destruction. (F. & D. No. 41730. Sample No. 1721-D.)

The labeling of this product bore false and fraudulent curative and therapeutic claims.

On February 18, 1938, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 17 packages of Brown's Nosopen at Dallas, Tex., alleging that the article had been shipped in interstate commerce on or about November 8, 1937, from Lawton, Okla., by the Am-Bro Co., and charging misbranding in violation of the Food and Drugs Act as amended. Each package contained one bottle labeled "Treatment No. 1," and another labeled "Treatment No. 2."

Analyses showed that the Treatment No. 1 consisted essentially of water with small quantities of ephedrine sulphate and chlorobutanol; and that the Treatment No. 2 consisted essentially of mineral oil with small quantities of ephedrine and volatile oils, including eucalyptol and camphor.

The article was alleged to be misbranded in that statements appearing in a circular contained in the package falsely and fraudulently represented the curative and therapeutic effectiveness of the article for the relief of hay fever, asthma, nasal catarrh, and sinus headaches.

On March 26, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

28738. Misbranding of Mentholated La Puris Kerchiefs. U. S. v. 5 Dozen, 18 Dozen, and 68½ Dozen Packages of Mentholated La Puris Kerchiefs. Default decrees of condemnation and destruction. (F. & D. Nos. 41722, 41814. Samples Nos. 8411-D, 14056-D.)

The labeling of this product bore false and fraudulent curative and therapeutic claims.

On February 15 and 25, 1938, the United States attorneys for the District of Massachusetts and the Western District of Michigan, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 23 dozen Mentholated La Puris Kerchiefs at Boston, Mass., and 68½ dozen of the article at Grand Rapids, Mich., alleging that the article had been shipped in interstate commerce on October 15 and 22 and December 8, 1937, from New York, N. Y., by the Sterilek Co., Inc., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analyses of samples of the article showed that it consisted of a paper tissue impregnated with menthol.

The article was alleged to be misbranded in that the following statements regarding its curative and therapeutic effects were false and fraudulent: (Both lots) "For Hay Fever, Rose Fever, Sinus, Soothes Nasal Irritation or * * * Inflamed * * * Skin * * * Use as Protection When in Crowds"; (one lot) "For any nasal irritations Mentholated LaPuris Kerchiefs are ideal. They are so soothing to inflamed * * * skin. These Mentholated Kerchiefs are especially recommended for use in cases of: Rose Fever, Hay Fever."

On March 14 and April 7, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

28739. Misbranding of Diatine. U. S. v. 1,350 Packages and 84 Packages of Diatine. Default decrees of condemnation and destruction. (F. & D. Nos. 41419, 41732. Sample Nos. 47571-C, 8356-D.)

The labeling of this product bore false and fraudulent curative and therapeutic claims.

On January 17 and February 21, 1938, the United States attorneys for the Northern District of Ohio and the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 1,434 packages of Diatine at Cleveland, Ohio, and Evanston, Ill., alleging that the article had been shipped in interstate commerce on or about July 7 and September 9, 1937, from Milwaukee, Wis., by the Scheidemann Remedy Co., and charging misbranding in violation of the Food and Drugs Act as amended.

Analyses of samples of the article showed that it consisted essentially of a coarsely ground plant material composed mainly of juniper wood, bark, needles, and berries and small quantities of uva ursi and senna leaves.

The article was alleged to be misbranded in that the statement borne on the package label, "Diatine is * * * a palatable, stimulating * * * beverage that promotes elimination and assists in balancing the body chemistry," meant to sufferers from diabetes that their bodies would regain the ability to convert sugar in the blood into the substances normally produced in healthy persons; further that the word "Diatine" constituted a device; that the statement and device were representations regarding the curative and therapeutic effects of the article, and were false and fraudulent since they meant to the purchaser that the article was a treatment for diabetes; that they had attained such meaning as a result of statements in a circular, entitled "Diatine," in which the article was represented to be effective in the treatment of those troubled with diabetes, albumen, uric acid, and kidney disorders, a supply of which circulars was received by the consignee from the consignor and distributed to customers and prospective customers.

On March 16 and April 26, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

28740. Misbranding of Zomogo Oil. U. S. v. 16 Bottles of Zomogo Oil. Default decree of condemnation and destruction. (F. & D. No. 41580. Sample No. 2257-D.)

The labeling of this product bore false and fraudulent curative and therapeutic claims.

On February 1, 1938, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 16 bottles of Zomogo Oil at Salem, Mo., alleging that the article had been shipped in interstate commerce on or about January 20, 1938, from Hot Springs, Ark., by L. Zomogo Hood, and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article showed that it consisted essentially of a petroleum distillate (approximately 50 percent) and oils of plant origin such as cassia, clove, eucalyptus, and mustard oils.

The article was alleged to be misbranded in that the statement on the label, "Directions: Apply well over affected part. Read directions on circular carefully," and representations in an accompanying circular, regarding its effectiveness in the treatment of tuberculosis of the lungs and spine, pellagra, asthma, rheumatism of all kinds, neuritis, sciatica, arthritis, influenza, lumbago, Bright's disease, dropsy, typhoid fever, smallpox, measles, chickenpox, eczema, rash, diabetes, deafness, earache, catarrh, headache, cancer, pyorrhea, toothache, blood poison, dandruff, quinsy, diphtheria, sore throat, acute indigestion, gallstones, gall-bladder trouble, bite of black widow spider, lockjaw, kidney trouble, bloating, pneumonia, female trouble, coughs, spinal meningitis, bone abscess, nerve and heart trouble, blood poisoning, high blood pressure, convulsions, muric (sic) acid poisoning, carbuncles, and ovarian trouble, were false and fraudulent.

On March 25, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

28741. Adulteration and misbranding of Espiritu Water. U. S. v. George C. Wooddell (Espiritu Water Co.). Pleas of nolo contendere. Fines, \$10. (F. & D. Nos. 33814, 33990. Sample Nos. 39238-A, 47164-A, 14445-B.)

The labeling of this product bore false and fraudulent representations regarding its curative or therapeutic effects. Samples taken from one of the shipments were found to be polluted.

On July 2, 1936, the United States attorney for the Southern District of Florida, acting upon reports by the Secretary of Agriculture, filed in the district court two informations against George C. Wooddell, trading as the Espiritu Water Co., at Safety Harbor, Fla., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about August 7, 1933, from the State of Florida into the State of Georgia, of a quantity of Espiritu Water which was adulterated and misbranded; and on or about September 11, 1933,